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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 62/116, the Secretary-General submitted to the Assembly at its sixty-third session a report on the question of Western Sahara (A/63/131). The report covered the period from 1 July 2007 to 30 June 2008 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted a report to the Security Council on the situation concerning Western Sahara (S/2008/251) pursuant to Security Council resolution 1783 (2007).

3. In that resolution, the Security Council, having considered the report of the Secretary-General (S/2007/619), called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations. It also called upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and developments of the past months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in that respect. The Council also decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara until 30 April 2008. It requested the Secretary-General to provide a report on the situation in Western Sahara well before the end of the mandate period.

4. Pursuant to Security Council resolution 1783 (2007), the Secretary-General submitted a report dated 14 April 2008 to the Security Council (S/2008/251). In that report, the Secretary-General informed the Council that his Personal Envoy had undertaken a visit to the region from 5 to 15 February for in-depth consultations on ways to move the process of negotiations into a more intensive and substantive phase. The Secretary-General also informed the Council that the parties had participated, from 16 to 18 March 2008, in a fourth round of negotiations. Algeria and Mauritania had attended as neighbouring countries. During the discussions, the parties had reiterated their commitment to the process of negotiations. During the meeting, the parties had engaged in a broad exchange of views on the implementation of resolutions 1754 (2007) and 1783 (2007), and to the exercise of the principle of self-determination. In addition, the parties had participated in discussions on thematic subjects related to administration, competencies and organs, as well as to justice, and to resources. The parties were also invited to consider strengthening and expanding the existing programme of confidence-building measures. In this regard, the delegation of the Frente Polisario para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) replied that it accepted all proposals made by the Personal Envoy, without exception. The parties finally agreed to explore the establishment of family visits by land, in addition to the existing programme by air. Matters with regard to respect for human rights in the Territory as well as in the refugee camps in the Tindouf area were also raised by the parties. In concluding the meeting, the parties agreed to a communiqué of the Personal Envoy and reiterated their commitment to continue the negotiations at a date to be determined by common agreement.

5. With regard to the ceasefire, the Secretary-General informed the Council that the overall situation in the area of responsibility remained generally calm. MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the armed forces of the Frente Polisario. However, both sides continued to abstain from dealing directly with each other. Furthermore, both parties continued to extend their cooperation to MINURSO in the marking and disposal of mines, unexploded ordnance and expired ammunition.

6. With regard to confidence-building measures, the Secretary-General stated that the programme of exchange of family visits led by the Office of the United Nations High Commissioner for Refugees (UNHCR) continued to be successfully implemented in close coordination with MINURSO. The free-of-charge telephone service between the refugee camps near Tindouf and the Territory was operating successfully. UNHCR, with support from MINURSO, had also procured the equipment necessary for the installation of a fifth telephone centre, in Dakhla camp, some 180 kilometres from Tindouf, and was negotiating with the Government of Algeria to secure permission to import the equipment into Algeria. The Secretary-General regretted that the first seminar under the confidence-building programme, to be held in November 2007 in Madeira, Portugal, had been cancelled following Morocco's notification to UNHCR that it was not in a position to accept either the principle or the opportuneness of the seminar. The Secretary-General pointed out that the confidence-building measures programme was the one area in which visible progress had been achieved between the parties recently, that it had the potential to build trust and to help break out of the impasse in other areas, and that it directly affected the quality of life of Western Saharans on a very human level. Therefore, he called upon the international community to demonstrate its support for the continuation of the programme and strongly urged the donor community to contribute generously to the programme.

7. As for human rights, international non-governmental organizations concerned with human rights and other sources had reported the alleged harassment and arrest of Western Saharan human rights and political activists, and pointed to incidents where the rights to freedom of expression, association and assembly appeared to have been compromised by Moroccan authorities in the Territory. In addition, Moroccan media sources expressed concerns about alleged human rights abuses in the Western Saharan camps near Tindouf and highlighted the allegedly deteriorating human rights and humanitarian situation of Western Saharan refugees in the camps.

8. In his observations and recommendations, the Secretary-General welcomed the parties' commitment to continue the process of negotiations but concurred with his Personal Envoy that the momentum could only be maintained by trying to find a way out of the current political impasse through realism and a spirit of compromise from both parties.

9. The Security Council considered the report of the Secretary-General on 30 April 2008 (see para. 12 below).

10. On 14 January 2009, the Secretary-General appointed Christopher Ross of the United States as his Personal Envoy for Western Sahara, replacing Peter van Walsum. The Secretary-General expressed gratitude to Mr. van Walsum for his dedicated service on the important issue of Western Sahara. Mr. Ross was tasked to work with the parties and neighbouring countries based on the most recent Security Council resolution, 1813 (2008), and previous resolutions, building on progress

made to date, in pursuit of a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara.

11. On 17 February 2009, the Secretary-General's Special Envoy embarked on a visit to the region for consultations with the parties (Morocco and the Frente Polisario), as part of United Nations efforts to help broker a just, lasting and mutually acceptable political solution regarding the Territory's status. The visit, Mr. Ross's first in his capacity as the Secretary-General's Personal Envoy, followed a meeting the Special Envoy had held in New York the previous week, including with the Secretary-General and members of the Security Council, as well as with Morocco and the Frente Polisario. During his visit, Mr. Ross visited Rabat, Tindouf and Alg iers, before proceeding to Madrid, Paris and Washington, capitals of three of the members of the Group of Friends.

II. Consideration by the Security Council

12. After consideration of the report of the Secretary-General of 14 April 2008 (S/2008/251), the Security Council adopted resolution 1813 (2008) on 30 April 2008. The Council endorsed the recommendation in the report that realism and a spirit of compromise by the parties were essential to maintain the momentum of the process of negotiations. The Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring implementation of resolutions 1754 (2007) and 1783 (2007) and the success of negotiations; and affirmed its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara. The Council went on to call upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noting the role and responsibilities of the parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2009.

III. Consideration by the General Assembly

13. During the general debate at the sixty-third session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 7 October to 21 October 2008, a number of Member States also made reference to the question of Western Sahara.

14. At its 6th meeting, on 10 October 2008, the Fourth Committee heard statements on Western Sahara by the following Member States: Algeria, Benin, Bolivia, Burkina Faso, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Guinea, Gabon, Guinea-Bissau, Nicaragua, Nigeria and Timor-Leste (see A/C.4/63/SR.6).

15. At its 3rd meeting, on 7 October 2008, the Committee heard statements by the following petitioners on the question of Western Sahara: Charles Wilson, Nancy Huff, Helen Hardin, Janet Lenz, Agaila Abba Hemeida, Vincent Chapaux, Hilt Teuwen, Senia Bachir-Abderahman, Cynthia Basinet, Jean Abboud, Delphine Bourgeois, Miguel Ortiz Asín and Felipe Briones Vives (see A/C.4/63/SR.3).

16. At its 4th meeting, on 8 October, the Committee heard statements by the following petitioners on the question of Western Sahara: Txomin Aurrecoechea, Antonio López Ortiz, María López Belloso, Aranzazu Chacon Ormazabal, Alberto Ruiz de Azua Solozabal, Jason I. Poblete, José Manuel de La Fuente Serrano, Saâdani Maoulainine, France Weyl, Anna Maria Stame Cervone, Roberto Goiriz Ojeda, Sydney S. Assor, José M. Romero González, Ahmed Boukhari, Luciano Ardesi, Mildred Thulin, Tanya Warburg, Alouat Hamoudi, Alberto Cid, Erik Jensen, Carmelo Vidalin, Aymeric Chauprade, Ennaba El Moussaoui, El Mami Boussif, Marselha Gonçalves-Margerin, El aafia Hammaidi and Jorge Reinaldo A. Vanossi (see A/C.4/63/SR.4).

17. At its 5th meeting, on 9 October, the Committee heard statements by the following petitioners on the question of Western Sahara: Lorenzo Olaire Cullen, Mikael Simble, Marc Louis Ropivia, Jane Bahaijoub, Eric Cameron, Pedro Pinto Leite, Juan Soroeta Liceras, José Luis Jiménez, Francesco Bastagli, Javier P. Morillas Gómez, Diallo Babacar, Anja Oksalampi and Gilonne d'Origny (see A/C.4/63/SR.5).

18. At the 11th meeting, on 17 and 20 October 2008, a number of States Members also made reference to Western Sahara, as follows: United Kingdom; Morocco, Algeria; and Morocco [see A/C.4/63/SR.11 and A/C.4/63/SR.11 (Resumption 1)].

19. At its 6th and 10th meetings, on 10 and 16 October 2008, the Committee decided to defer action on a draft resolution entitled "Question of Western Sahara" (A/C.4/63/L.5) sponsored by Algeria, Angola, Belize, Bolivia, Cuba, Dominica, Ecuador, Grenada, Jamaica, Lesotho, Mozambique, Namibia, Nicaragua, Nigeria, Rwanda, Saint Kitts and Nevis, Saint Lucia, South Africa, Suriname, Timor-Leste, Uganda, the United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe.

20. At its 13th meeting, on 21 October 2008, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/63/L.7), submitted by the Chairman to replace draft resolution A/C.4/63/L.5.

21. At the same meeting, the Committee adopted draft resolution A/C.4/63/L.7 without a vote.

22. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union, and Albania, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Algeria and Morocco (see A/C.4/63/SR.13).

23. At its 64th plenary meeting, on 5 December 2008, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/63/408, para. 37), without a vote, as resolution 63/105.

24. In that resolution, the General Assembly supported the process of negotiations initiated by Security Council resolution 1754 (2007) and further sustained by

Council resolutions 1783 (2007) and 1813 (2008), with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, and commended the efforts undertaken by the Secretary-General and his Personal Envoy in that respect. It welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue, in order to enter into a more intensive phase of negotiations, in good faith and without preconditions, taking note of efforts and developments since 2006, thus ensuring implementation of Security Council resolutions 1754 (2007), 1783 (2007) and 1813 (2008) and the success of negotiations. It welcomed the ongoing negotiations between the parties held on 18 and 19 June 2007, on 10 and 11 August 2007, from 7 to 9 January 2008 and from 16 to 18 March 2008 in the presence of the neighbouring countries under the auspices of the United Nations.

25. The General Assembly called upon the parties to cooperate with the International Committee of the Red Cross, and to abide by their obligations under international humanitarian law.

26. The General Assembly requested the Special Committee to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixty-fourth session, and invited the Secretary-General to submit to the General Assembly at its sixty-fourth session a report on the implementation of the resolution.